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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,943

01/17/2007

Kinya Matsushita

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06/25/2010

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WASHINGTON, DC 20036

EXAMINER

AZIZ, KEITH T

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

06/25/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No. 10/572,943	Applicant(s) MATSUSHITA ET AL.	
	Examiner KEITH T. AZIZ	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-10, and 12-22 are pending as amended on 3/19/2010, claim 11 having been cancelled.
2. The rejection of claims 1-5, 7-10, and 21 under 35 U.S.C. 102(b) as being anticipated by Lee is maintained, for the reasons as provided in Paragraph No. 6 on page 4 of the office action dated 1/6/2010, and for the reasons as discussed below.
3. The rejection of claims 12-14 and 17-18 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Manusch is maintained, for the reasons as provided in Paragraph No. 9 of page 6 of the office action dated 1/6/2010, and for the reasons as provided below.
4. The rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Suzuki is maintained, for the reasons as provided in Paragraph No. 10 on page 8 of the office action dated 1/6/2010, and for the reasons as provided below.
5. The rejection of claims 15-16 and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Lee, Manusch, and Suzuki is maintained, for the reasons as provided in Paragraph No. 11 of page 9 of the office action dated 1/6/2010, and for the reasons as provided below.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment and Arguments

7. Applicant's arguments filed 3/19/2010 have been fully considered but they are not persuasive. While it is correct that the bottom cover (item 6 in Figures 1, 4, 5, and 7) ends prior to the dispensing head, the base of Lee is comprised of both the bottom cover and the movable strip (item 5 of Figures 2, 3, 5, and 7), which is configured to hold the case body and forms the support on the bottom of the invention (see construction in Figures 2 and 3). It is the movable strip, which forms a part of the base (as may be seen in Figures 5 and 7) that forms an opening, and allows the transfer head to be located in the opening during the use position (see Figure 7).

8. With regards to applicant's arguments, filed 3/19/2010, concerning rejections under 35 U.S.C. 103(a), attention is drawn to the above paragraph.

Claim Rejections - 35 USC § 102

9. Claims 1-5, 7-10, and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lee, for the same reasons provided in Paragraph No. 6 of page 4 of the office action dated 1/6/2010, and for the reasons described above.

Claim Rejections - 35 USC § 103

10. Claims 12-14 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Manusch, for the same reasons provided in Paragraph No. 9 of page 6 of the office action dated 1/6/2010, and for the reasons described above.

11. Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Suzuki, for the same reasons provided in Paragraph No. 10 of page 8 of the office action dated 1/6/2010, and for the reasons described above.

12. Claims 15-16 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Manusch, further in view of Suzuki for the same reasons provided in Paragraph No. 11 of the office action dated 1/6/2010, and for the reasons described above.

13. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee as applied to claims 1-5, 7-10, and 21 above, and further in view of U.S. Patent 6,745,808 (Kobayashi hereafter).

Lee discloses a film-tape eraser with a retractable dispensing head (see title and abstract). Lee teaches a tool with a case body with a first and second case that engage with one another (see items 122 and 126 of Figure 2), a base (see items 6 and 5 of Figure 7) that the first and second case may be held in, a pivoting support portion through which the case body parts may pivot to the base (see items 611 and 61 of Figure 2), and a holding portion for holding the transfer tool (see item 5 of Figure 2). Lee does not explicitly teach that the first case functions as a replacing cartridge.

Kobayashi discloses a film transfer apparatus (see title and abstract). Kobayashi teaches that the film transfer apparatus may be formed by a case body (see item 2 of

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Figure 2) and a cartridge unit (see item 3 in Figure 2) that includes a portion of the body of the film transfer apparatus. Kobayashi teaches that the cartridge unit is replaceable, and may be completely removed when empty to refill the film transfer apparatus (see lines 35-47 of column 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the first case of Lee replaceable as taught by Kobayashi. The rationale to do so would have been the motivation to ensure that parts are not lost when transfer tape replacement is performed (see lines (30-35 and 41-45 of column 1)).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH T. AZIZ whose telephone number is (571)270-7658. The examiner can normally be reached on Monday through Thursday 8:00am-6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katarzyna I. Wyrozebski can be reached on (571)272-1127. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KTA/

/KHANH NGUYEN/
Primary Examiner, Art Unit 1791

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